

A DAY'S WORK FOR THE FOURTH DISTRICT

SPEECH

OF

HON. HENRY D. MOORMAN
OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1929

ABRAHAM LINCOLN NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 15637) to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or reservation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I expect to do, no one in this House but is thoroughly in sympathy with any proposal to honor the memory of Abraham Lincoln, so that that is not involved in my attitude on this bill. The bill is entirely unnecessary. There is just as much law authorizing appropriations for the maintenance and improvement of the Abraham Lincoln National Park as there will be if we pass this bill. I have read the report. I have sympathy with the idea that probably more funds are needed for that purpose, but I have confidence that if that matter is presented in a proper way, if something more than mere resolutions of the Chamber of Commerce of Hodgenville are available, that the appropriation estimates will come in in a regular way and the money necessary will be appropriated, whatever it may be. I have here extracts from the act which is now law that makes it perfectly clear that appropriations are authorized. If appropriations without limit are now authorized by existing law, why pass a new law to authorize appropriations?

Mr. THATCHER. Mr. Speaker, the Secretary of War submitted an estimate of something over \$80,000 for these appropriations. The Director of the Budget said that he was not sure about the authorization involved in the basic act of 1916, and he thought there would have to be or ought to be further legislation. If this could have come through the regular channels, there would have been no occasion for this bill, but the Bureau of the Budget has not taken that position. This is the only way in which this property can be properly cared for.

Mr. CRAMTON. Mr. Speaker, I can not imagine that the Bureau of the Budget will take that position finally. If they do, it means that we will have to duplicate all of our laws authorizing appropriations. In section 211, reading part of it, we find the following:

The United States accepts title to the lands mentioned in the deed of gift or conveyance now in the possession of the Secretary of War, together with all of the buildings and appurtenances thereon, especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same; * * * that the land therein described in

such deed or conveyance * * * shall be forever dedicated to the purposes of a national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation and destruction and further disintegration, to the end that they may be preserved for all time. * * *

That clearly, just as the gentleman from Kentucky [Mr. MOORMAN] has asserted in his speech, establishes law and authority for the appropriations. Section 212 provides among others things:

* * * and further shall forever protect, preserve, and maintain said land, buildings, and appurtenances, and especially the log cabin, * * * to the end that they may be preserved for all time as far as may be as a national park or reservation.

We give there the duty to the War Department to maintain and protect this memorial, and that carries with it, as the Chair here has repeatedly ruled, authority for appropriations.

Mr. THATCHER. But what is to be done when the Bureau of the Budget is unwilling to pass these estimates submitted by the War Department on to the Committee on Appropriations?

Mr. CRAMTON. I can not believe that after they read the law the Bureau of the Budget will refuse the estimate on that ground.

Mr. THATCHER. But I discussed this matter with General Lord himself, and that was his view of the question. That is the only purpose of this bill.

Mr. CRAMTON. The law is just as clear as can be. The responsibility is here to preserve and protect, and that carries with it authority to appropriate money for that purpose.

Mr. THATCHER. This bill has the sanction of the War Department and is shown to be not inconsistent with the financial program of the President. It can do no harm to pass the bill. It will clear up the matter and will enable the proper appropriations to be submitted.

Mr. CRAMTON. Has the gentleman a letter from the Budget Bureau that they hold that the law does not give authority?

Mr. THATCHER. There is a letter saying that it is not inconsistent with the financial program of the President.

Mr. MOORMAN. Here is a letter from the War Department, Washington, January 1—

Mr. CRAMTON. I have read the letter in the report, and not only that, but I have read the speech of the gentleman from Kentucky and I agree with him that legislation is unnecessary. I shall either object to it or ask to have it go over.

Mr. THATCHER. The gentleman can object if he wishes.

Mr. DYER. Mr. Speaker, I demand the regular order.

Mr. CRAMTON. Mr. Speaker, I object.

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Mr. MORIN. Mr. Speaker, I move to suspend the rules, take up the bill H. R. 15657, and pass the bill with committee amendments.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass as amended the bill H. R. 15657. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 15657) to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation.

Mr. CRAMTON. Mr. Speaker, if we have time for this kind of a bill, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.
The motion was agreed to.

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Mr. MORIN. Mr. Speaker, I yield four minutes to the gentleman from Kentucky [Mr. MOORMAN].

The SPEAKER. The gentleman from Kentucky is recognized for four minutes.

Mr. MOORMAN. Mr. Speaker and ladies and gentlemen of the House, I have the honor to represent the fourth district of Kentucky, from which Abraham Lincoln came. [Applause.] I have an intimate knowledge of the situation that prevails at his birthplace. In my humble opinion, it is a disgrace to the name of the proud Nation that accepted the gift of \$300,000 of the money of the people of my State and the Nation. That \$300,000 was largely contributed 10 cents and a quarter of a dollar at a time, by the school children and citizens, and the Lincoln Memorial Association came here and made a sacred contract with the United States by which the Government took over this property 13 years ago; and to-day the same conditions prevail there that prevailed then. I respectfully refer you to my speech delivered on January 17 for the details. The sacred contract made April 12, 1916, is to-day unfulfilled. It provided:

The title to such lands, buildings, and appurtenances is accepted upon the terms and conditions stated in said deed or conveyance, namely, that the land therein described, together with the buildings and appurtenances thereon, shall be forever dedicated to the purpose of national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoilation, destruction, and further disintegration, to the end that they may be preserved for all time, so far as may be; and further agreeing that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation.

And, as to the endowment fund, said bill provided:

The title to said endowment fund is accepted upon the terms and conditions stated in said assignment and transfer, namely, that the United States of America shall forever keep the said tract of land described in said deed, together with the buildings and appurtenances thereunto belonging, dedicated to the purpose of a national park or reservation, and that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation; and, further, shall forever protect, preserve, and maintain said land, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoilation, destruction, and further disintegration, to the end

that they may be preserved for all time, as far as may be, as a national park or reservation.

It was contemplated by the act in the minds of the contracting parties, that there would be all necessary repairs and future development. Section 3 specifically provides:

That the President of the United States of America and the Secretary of War are hereby authorized to execute, in the name of the United States of America, such instrument or instruments as may be or may become necessary to comply with or carry out the terms and conditions of such gift or gifts and to secure the full benefit therefrom.

I said:

The Lincoln Farm Association had collected together the essentials to create this national shrine. Congress accepted it and agreed to do such things as necessary "to secure full benefit therefrom." Otherwise the association would have continued to function by collecting more money by popular subscription, thereby maintaining and improving the place to meet present conditions.

At this time it is impossible for the thousands of people from America and other countries to come there and view that sacred spot with comfort or real pleasure. Recently 17 automobiles, carrying 40 people each, came there at one time. The road is only 10 or 12 feet wide, and those conveyances undertook to go down to that shrine, but they could not all get there. There was great confusion and discomfort, and there were comments which made us ashamed of ourselves. Deterioration, waste, and regret command one's attention. It is not the fault of Kentucky, and it is not the fault of those patriotic, liberty-loving people who made the gift to the Government. They turned over that sacred cabin, inclosed in a \$225,000 marble memorial building, 110 acres of land and appurtenances, and an endowment fund of \$50,000, making in all \$300,000, under the sacred promise that this shrine would be maintained in proper order and so as to get the maximum use of it from that day until now. What is the result? Thirteen years have elapsed and nothing has been done. Conditions have been and are growing worse each day. A mere pittance of \$5,000 was appropriated, and only about \$2,500 of that amount has ever been used. The War Department knew the sum was inadequate, as their report shows.

We made application to the Bureau of the Budget and to the War Department, under whose jurisdiction this comes, and they advised us to introduce a bill. We have now introduced a bill, and we are told that it is a mistake. I did not think it was necessary under the law, but the failure to act made it so.

I come here as one of that species that is now about to become extinct down in Kentucky, a Democratic Representative, and I respectfully implore you, regardless of your politics and regardless of the side of the House on which you sit, to give this bill your support and help honor the name and memory of a man my district loves. [Applause.] This is no time nor place for eloquence, but our country must save its honor and keep its word.

Mr. BURTNESS. Will the gentleman yield?

Mr. MOORMAN. Yes.

Mr. BURTNESS. The situation the gentleman has disclosed is disgraceful, of course, and should be corrected, but there is one question which occurs to me.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. MORIN. Mr. Speaker, I yield the gentleman one-half minute additional.

Mr. BURTNESS. I notice that the bill provides not only for the building of fences, the improvement of roads, the construction of sanitary conveniences, providing parking spaces, and so forth, but also provides for beautifying the place by the planting of trees and shrubbery and making a park out of it. Now, it occurs to me that the general public would be more inspired by seeing the physical farm as it exists there, but properly protected. It seems to me they would rather see it substantially as it was at the time of the birth of Lincoln than to have it changed into a park.

Mr. MOORMAN. There will be a real old rail fence to protect this place. We are going to preserve the Lincoln farm and the buildings and appurtenances in such manner as to meet the ideas advanced by my interested colleague.

Mr. CRAMTON. Mr. Speaker, I have no idea that I will be able to secure the defeat of this bill, so great is the regard of every Member for the memory of Lincoln, but, as a matter of fact, that is not involved in this bill at all.

I have been much surprised to have recognition given for the consideration of this bill under suspension of the rules. There are so many bills of importance on the calendar that I had not supposed it would be easy to get recognition to bring up this bill, a bill which is absolutely unnecessary. It had not been reached on the Unanimous Consent Calendar until to-day. To-day was the first time it was called. When it was called I pointed out the law which authorizes these appropriations, just as much as the bill now pending authorizes them. In other words, the passage of this bill will add nothing in authority for appropriations for this very desirable purpose.

Mr. MOORMAN. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. MOORMAN. If the gentleman believes we already have that authority, how can it hurt to pass this bill?

Mr. CRAMTON. Why do we not spend our time here in passing a multitude of entirely useless bills when there are so many important measures awaiting consideration?

Any parliamentarian in the House will agree with me, I know, that the language I am about to read from the fundamental act authorizes appropriations for this purpose, and all the pending bill does is to authorize appropriations.

I will read from the fundamental act:

The United States accepts title to the lands mentioned in the deed of gift or conveyance now in the possession of the Secretary of War, together with all of the buildings and appurtenances thereon, especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same; * * * that the land therein described in such deed or conveyance * * * shall be forever dedicated to the purposes of a national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same from spoliation and destruction and further disintegration to the end that they may be

preserved for all time. * * * And further shall forever protect, preserve, and maintain said lands, buildings, and appurtenances, and especially the log cabin, * * * to the end that they may be preserved for all time as far as may be as a national park or reservation.

Now, under our rules there are numerous precedents. It is not disputed by any parliamentarian that when we pass an act imposing a duty on a branch of the Government that act itself is basis for appropriations to carry out such responsibility. This act places on the Secretary of War this responsibility. It authorizes appropriations. The bill that is now being presented does not add anything whatever to that authority.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. VINSON of Kentucky. As I understand, a favorable recommendation could not be secured from the War Department, and the O. K. of the Budget could not be secured. Let us assume we would offer an amendment on the floor to the appropriation bill; I think I can hear the gentleman from Michigan saying that it did not have the O. K. of the Budget.

Mr. CRAMTON. The gentleman has no right to assume that, but I will say—

Mr. VINSON of Kentucky. I have heard the gentleman so many times say that.

Mr. CRAMTON. I will say this to the gentleman from Kentucky that if such an amendment was offered on the floor to the appropriation bill he would not hear the gentleman from Michigan make the point of order that it was not authorized by existing law, because I know it is authorized, and if the gentleman from Kentucky wants to bring that question up, why did not the gentleman from Kentucky [Mr. THATCHER] or the gentleman from Kentucky [Mr. MOORMAN], if they knew of these conditions—I did not know of them—offer an amendment to the War Department appropriation bill, and this House would have voted it, and the gentlemen would have had their money in the pending War Department appropriation bill.

Mr. THATCHER. Will the gentleman let me answer for myself, inasmuch as he called me by name? Because I know that of all men the gentleman would have been the first to interpose a technical objection. [Applause.]

Mr. CRAMTON. Well, now, Mr. Speaker, I will say this to the gentleman from Kentucky [Mr. THATCHER], that there is no one in this House who spends more time getting money out of the Treasury and less time in keeping it there than the gentleman from Kentucky. [Applause.] So I necessarily give the gentleman special attention, but I know the rules of the House, and if I had been interested in this proposition, I will say to the gentleman from Kentucky, as the gentleman professes to be, I would not have tried to get the limelight with a bill here with my name on it, but I would have offered an amendment to the War Department appropriation bill and would have had the money. [Applause.]

The SPEAKER. The question is, Shall the rules be suspended and the bill passed?

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—ayes 230, noes 21.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

ROUGH RIVER SURVEY BILL PASSED

The next business on the Consent Calendar was the bill (H. R. 14893) to authorize a preliminary survey of Rough River in Kentucky with a view to the control of its floods.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, is not this river included in the legislation which was passed at the last session providing for a comprehensive flood-relief program?

Mr. MOORMAN. I think not, sir.

Mr. LaGUARDIA. How did it happen to be omitted?

Mr. MOORMAN. The omnibus bill had gone to the Senate, and then this project was recognized as being an emergency, and the committee passed it for that reason.

Mr. LaGUARDIA. The bill simply provides for a survey?

Mr. MOORMAN. That is all.

Mr. LaGUARDIA. Which is an opening wedge?

Mr. MOORMAN. That is all.

Mr. HUDSON. Mr. Speaker, reserving the right to object, does the gentleman contend that we did not pass legislation allowing for a complete survey of all the tributaries of the Mississippi and other navigable streams?

Mr. MOORMAN. I make no such contention about the matter. I state, though, that this is considered necessary, and for that reason the committee reported the bill.

Mr. HUDSON. I think the gentleman will find we have passed legislation taking care of all these matters, so far as surveys are concerned.

Mr. VINSON of Kentucky. If that be true, then the passage of this bill would do no harm.

Mr. DYER. Why not let the bill go over in order to make an inquiry and ascertain whether this river has been taken care of.

Mr. MOORMAN. I will say to the gentleman that a similar bill was introduced in the Senate by Senator BARKLEY, which was attached to the omnibus bill that went over from the House.

Mr. HOOPER. If the gentleman will permit, does the gentleman and also the gentleman from Kentucky [Mr. VINSON] take the position that if this bill passes and the survey has been taken care of in the preliminary legislation, that this then would be mere surplusage and would commit the Government to no additional expense as far as the earlier bill is concerned?

Mr. VINSON of Kentucky. I should not think so.

Mr. HUDSON. I wish the gentleman would allow this bill and the bill following it to go over for the day. I do not want to object, but I wish the gentleman would allow it to go over for the day.

Mr. WHITTINGTON. Let me say this to the gentleman: This river is a tributary to the Ohio, and in the bill to which reference has been made this river was not named.

Mr. SABATH. Did not the bill provide for the Ohio, the Mississippi, and all tributaries thereof?

Mr. WHITTINGTON. Only those tributaries of the Ohio that were named and this river was not among those named.

Mr. SABATH. I do not see why we should bring in separate bills for all these small rivers if the same thing is included in the general bill.

Mr. WHITTINGTON. There were separate bills and those bills were included in the omnibus bill, but this river was not named in that bill.

Mr. MOORMAN. I trust the gentleman will withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to cause an examination and survey to be made of Rough River, beginning at Falls of Rough, Grayson County, Ky., and extending to the mouth of said river, with a view to securing a channel of such dimensions and courses as will prevent present retarding of the flow of its waters and consequent flooding of thousands of acres of valuable adjacent land, and such other action and relief as is necessary. Also to submit a report to Congress of the feasibility of controlling said flood waters, together with an estimate of the cost of such improvement.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment, on page 1, line 10, after the word "lands," to strike out the language "and such other action and relief as is necessary."

Let me call the attention of the gentleman from Kentucky [Mr. MOORMAN] to the fact that this bill, as I understand it, is for a preliminary survey and report to Congress.

Mr. MOORMAN. It is; yes.

Mr. BLACK of Texas. For that purpose the language which my amendment seeks to strike out is unnecessary and is rather too broad. It might give the Secretary of War the power to go ahead and do the work of flood control, and I do not think we ought to set that precedent in these bills for preliminary surveys.

Mr. MOORMAN. I will say to my colleague I intended to make it broad; and if I made it too broad, I will be pleased to accept the amendment.

Mr. BLACK of Texas. I think that ought to go out.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 1, line 10, after the word "lands," strike out the comma, insert a period, and strike out the words "and such other action and relief as is necessary."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

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